

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Anthony Scott,

Case No. 1:10 CV 518

Petitioner,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Bennie Kelly,

Respondent.

This Court has reviewed the Report and Recommendation (R&R) filed by Magistrate Judge Knepp on November 23, 2010 in this matter (Doc. No. 8). Under the relevant statute (28 U.S.C. § 636(b)(1)):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, the fourteen-day period has elapsed and no objections have been filed. The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

After reviewing the Petition for Writ of Habeas Corpus (Doc. No. 1), Respondent's Motion to Dismiss (Doc. No. 7), and the Magistrate's R&R (Doc. No. 8), this Court adopts the R&R in its entirety. The Petition is denied. Furthermore, this Court certifies that an appeal could not be taken in good faith pursuant to 28 U.S.C. §§ 1915(a)(3) and 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

December 10, 2010